

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

ANTONI JURSKI, :  
Plaintiff, : REPORT & RECOMMENDATION  
-against- : 12 Civ. 5976 (LTS) (MHD)

NATIONAL RAILROAD PASSENGER CORP., :  
et al.,  
Defendants. :  
-----x

MICHAEL H. DOLINGER  
UNITED STATES MAGISTRATE JUDGE:

. 8/6/13

By order dated June 18, 2013, we granted the unopposed application of plaintiff's attorney to withdraw as counsel in this case, and we granted plaintiff until July 17, 2013 to obtain substitute counsel. Having not heard from plaintiff, we conducted a status conference today, at which plaintiff appeared, accompanied by his daughter to assist him with communicating in English, with which plaintiff is haltingly able to speak. At the conference plaintiff stated, as he apparently had to defendant's attorney before the conference, that he wishes to withdraw his lawsuit because it was causing him too much stress. He further stated that he understood that if he withdrew his case, he would not be able to refile it at a later date.

Taking into account plaintiff's statements on the record that he has failed to retain new counsel and wishes to cease prosecution of his case, we recommend that plaintiff's case be dismissed with prejudice. We are satisfied, based upon plaintiff's representations, that he understands the import of his case being dismissed with prejudice.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies to be delivered to the chambers of the Honorable Laura T. Swain, Room 755, 500 Pearl Street, New York, New York 10007-1312 and to the chambers of the undersigned, Room 1670, 500 Pearl Street, New York, New York 10007-1312. Failure to file timely objections may constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. See Thomas v. Arn, 474 U.S. 140, 150 (1985), reh'q denied, 474 U.S. 1111 (1986); Small v. Sec'y of Health and Human Services, 892 F.2d 15, 16 (2d Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: New York, New York  
August 6, 2013

SO ORDERED.

---

MICHAEL H. DOLINGER  
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Order have been sent today by facsimile to:

Ronald E. Joseph, Esq.  
Landman Corsi Ballaine & Ford PC  
Fax: (212) 238-4848

Bryan F. Tiggs, Esq.  
Fabiani Cohen & Hall LLP  
Fax: (212) 207-8182

And by U.S. mail to:

Mr. Antoni Jurkski  
11245 Seaview Avenue, Apt. 7F  
Brooklyn, NY 11239